

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division**

|                                 |   |                               |
|---------------------------------|---|-------------------------------|
| <b>UNITED STATES OF AMERICA</b> | ) |                               |
|                                 | ) |                               |
|                                 | ) |                               |
| v.                              | ) | <b>Case No. 3:19-CR-00014</b> |
|                                 | ) |                               |
|                                 | ) |                               |
| <b>DANIEL MCMAHON,</b>          | ) |                               |
| <b>Defendant.</b>               | ) |                               |

**MOTION TO CONTINUE**

COMES NOW the defendant, Daniel McMahon, by counsel, and hereby respectfully moves this Honorable Court to continue the above-referenced criminal matter, which is presently set for jury trial on December 23, 2019. In support of this Motion to Continue, counsel respectfully states as follows:

- (1) The defendant was indicted by the grand jury on four felony counts on September 11, 2019.
- (2) The defendant had his initial appearance and arraignment in this Court on October 16, 2019.
- (3) Counsel has received some discovery from the Government and needs sufficient time to review the discovery and discuss it with the defendant.
- (4) Counsel anticipates more discovery will be produced and will need time to review the additional discovery and discuss it with the defendant.
- (5) Counsel needs additional time to consider certain pre-trial motions that may be filed.
- (6) The Speedy Trial Act, 18 U.S.C. 3161 § (h)(7)(A) and (h)(7)(B)(iv), recognizes that it is proper to grant a continuance on the motion of counsel to serve the ends

of justice in order to afford counsel the reasonable time necessary for effective preparation; and in *Zedner v. United States*, 547 U.S. 489 (2006), the Supreme Court recognized that the court's determination as to whether the ends of justice are served by a delay is the controlling factor.

- (7) This is the first request for a continuance.
- (8) Counsel for defendant has conferred with the government through its Assistant United States Attorney Christopher Kavanaugh, and counsel believes that Mr. Kavanaugh will not object to this request for continuance.
- (9) Counsel asks that trial be re-set to June 15, 2020, through June 17, 2020, for three total days, which are dates agreeable to both counsel for defendant and the government.

WHEREFORE, counsel for defendant respectfully requests that the Court grant this Motion and set the matter for jury trial on the dates set forth above, and to extend the Speedy Trial deadline accordingly.

Respectfully submitted,

DANIEL MCMAHON  
By counsel

/s/ Jessica F. Phillips  
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# CERTIFICATE OF SERVICE

I hereby certify that on this 18<sup>th</sup> day of November, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Jessica F. Phillips

Jessica F. Phillips (VSB #65953)

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